



REGISTRAR OF REGULATIONS

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COMMONWEALTH of VIRGINIA

Department of Health
DIVISION OF SHELLFISH SANITATION
109 Governor Street, Room 614-B
Richmond, VA 23219

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NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 034-208, MOORE CREEK AND VICINITY

EFFECTIVE 6 OCTOBER 2005

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §9-6.14:4.1, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 034-208, Piankatank River: Moore Creek and Vicinity," effective 30 December 2004, is cancelled effective 6 October 2005.
2. Condemned Shellfish Area Number 034-208, shown as Sections A and B, is established, effective 6 October 2005. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the *Code of Virginia*. The boundaries of these sections are shown on the map titled "Moore Creek and Vicinity, Condemned Shellfish Area Number 034-208, 6 October 2005" which is a part of this notice.
5. Seasonally Condemned Shellfish Area Number 034-208 shown as Sections M1 and M2 is hereby established, effective 6 October 2005, for the period October 6, 2005 through October 31, 2005, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It is unlawful for any person, firm or corporation to take shellfish from these areas during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in §28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Moore Creek and Vicinity, Condemned Shellfish Area Number 034-208, 6 October 2005" which is a part of this notice.
6. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

BOUNDARIES OF CONDEMNED AREA NUMBER 034-208

- A. The condemned area shall include all of Moore Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°32'09.7", -76°21'26.5") and map coordinate (37°32'10.0", -76°21'25.3").

- B. The condemned area shall include all of Porpoise Cove lying upstream of a line drawn between latitude/longitude map coordinate (37°32'13.4", -76°21'11.1") and map coordinate (37°32'12.5", -76°21'10.1").
- M1. The condemned area shall include that portion of the Piankatank River lying inland of a line drawn between latitude/longitude map coordinate (37°32'10.0", -76°21'25.3"), map coordinate (37°32'09.5", -76°20'41.8"), and map coordinate (37°32'12.9", -76°20'41.9"), but excluding the area defined as Section B.
- M2. The condemned area shall include that portion of the Piankatank River lying inland of a line drawn between latitude/longitude map coordinate (37°32'19.8", -76°20'23.1") and map coordinate (37°32'29.5", -76°19'55.4").

Recommended by:

Art E. Cwozenbeyls
Director, Division of Shellfish Sanitation

Ordered by:

Robert B. Shuler
State Health Commissioner

09/22/2005
Date

Middlesex County

Virginia Department of Health
Moore Creek and Vicinity
Condemned Shellfish Area Number 034-208
6 October 2005

